IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

Bail Appl..No. 5864 of 2007()

CRIME NO.228/2007 OF CHANGARAMKULAM POLICE STATION

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PETITIONER/ACCUSED NO.9:

VIPIN @ SONALMON,
S/O.URUMEES, MENACHERI HOUSE,
KAVARAPPARAMBU, ANGAMALY,ERNAKULAM.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5864 of 2007

Dated this the 1st day of October 2007

O R D E R

Application for regular bail. The petitioner is the 9th accused in the crime. The crux of the allegations is that the petitioner, along with the co-accused committed offence punishable inter alia under Sections 395 and 302 I.P.C.

2. The alleged incident took place on 20/5/2007. The deceased one Saffwan was allegedly a person engaged in the distribution of hawala money to various payees. While the deceased along with cash was on his mission to so distribute cash, he was allegedly forcibly abducted in a car by the miscreants including the petitioner herein. The deceased was robbed. When he resisted, he was attacked. Serious injuries were inflicted on him. He was thrown out of the car. He succumbed to the injuries. The miscreants including the petitioner herein allegedly escaped in the vehicle. A crime was registered. In the F.I.R, no person was named as an accused. In the course of investigation, the complicity of the petitioner was revealed. He was arrested on 17/7/2007. He continues in

custody from that date. Investigation is not complete. Final report has not been filed. Some of the co-accused have been arrested. All of them continue in custody even now, submits the learned Public Prosecutor.

3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Except the confession statement of the co-accused, there is no material to implicate the petitioner. In these circumstances, the petitioner who has remained in custody from 17/7/2007 may now be enlarged on bail, submits the learned counsel for the petitioner.

4. The learned Public Prosecutor opposes the application. The allegations are serious. Satisfactory data have been collected to establish the nexus between the petitioner and the crime. Blood stained currency notes were recovered from the possession of the petitioner. At this early stage, the petitioner may not be enlarged on bail. The investigating officer in a serious crime like the instant one may be given sufficient time after the arrest of the miscreants to complete the investigation, prays the learned Public Prosecutor.

5. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am satisfied that this is not a fit case where the petitioner can be enlarged on bail at this stage of investigation. In coming to this conclusion, I have anxiously considered the nature and gravity of the allegations raised, the nature of the materials collected as also the stage of investigation. I am satisfied that the petitioner is not entitled to be enlarged on bail now.

6. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court for bail again at a later stage of the investigation not, at any rate, prior to 15/10/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation. Needless to say, this direction shall not in any way fetter the rights of the petitioner to claim bail by default if final report is not filed within the stipulated period under the proviso to 167(2) Cr.P.C.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007